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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,416	12/22/2003	Khasid M. Ali Khan	5150-84100	7508
35690	7590	09/30/2005		
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P.O. BOX 398 AUSTIN, TX 78767-0398				
			EXAMINER PEYTON, TAMMARA R	
			ART UNIT 2182	PAPER NUMBER

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/743,416

Applicant(s)

ALI KHAN ET AL.

Examiner

Tammara R. Peyton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/23/03</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 4, 5, 7, 8, 11, 15, 16, 18, 19, 22, 25, 26, 28, and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Kowert (US 5,649,129).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As per claims 1, 4, 5, 7, 8, 11, 12, 15, 16, 18, 19, 22, 25, 26, 28, and 29, Kowert teaches a method, comprising:

capturing data events from a nondeterministic data bus; transferring (via DMA transfer) said captured data events to a region of a data event buffer as portions of said captured data events become available; retrieving captured data events from said region of said data event buffer; and displaying said retrieved data events substantially in real time with respect to the occurrence of the corresponding captured data events on said nondeterministic data bus. (Abstract, cols. 3-19)

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 5, 7, 11, 15, 16, 18, 22, 25, 26, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Gronlund et al., (US 5,737,520).

As per claims 1, 4, 5, 7, 11, 15, 16, 18, 22, 25, 26, and 28, Kowert teaches a method, comprising:

capturing data events from a nondeterministic data bus; transferring (via DMA transfer) said captured data events to a region of a data event buffer as portions of said captured data events become available; retrieving captured data events from said region of said data event buffer; and displaying said retrieved data events substantially in real time with respect to the occurrence of the corresponding captured data events on said nondeterministic data bus. (Abstract, cols. 5-25)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 13, 14, 23, 24, are rejected under 35 U.S.C. 103(a) as being obvious over by Kowert (US 5,649,129).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing

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that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

As per claims 2, 3, 9, 13, 14, 20, 23, 24, and 30, Kowert does not teach wherein the data event buffer is circular or linear, however, one of ordinary skill would readily recognize that a circular or a linear buffer is well known in the art, thereby making use of these types of well known buffers obvious to one of ordinary skill.

As per claim 9, 20, and 30, Kowert teaches having a sample index value for the captured data events, therefore, it would have been obvious that transmissions related to the sample index value is performed via a DMA transfer.

Claims 1-7, 9-18, 20-28, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (5,457,694) and Masiewicz et al., (US 5,784,390).

As per claims 1, 4, 5-7, 10-12, 15-18, 21, 22, 25-28, and 31, Smith (cols. 4-18) teaches method of an analyzer for an ATA interface, comprising: capturing data events from a nondeterministic data bus; transferring said captured data events to a region of a data event buffer as portions of said captured data events become available; retrieving captured data events from said region of said data event buffer; and displaying said retrieved data events substantially in real time with respect to the occurrence of the corresponding captured data events on said nondeterministic data bus. However,

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Smith is silent in respect to detecting an overflow of the capture buffer and without stopping the transfer of the captured data events. Masiewicz teaches an error correction system for an ATA interface that detect an overflow by having a court overflow signal that is asserted during a DMA transfer wherein the capturing of the data event continues. (Masiewicz, Abstract, cols.22-26) It would have been obvious to one of skill at the time the invention was made for Smith to implement the error correction system of Masiewicz that detects an overflow during a DMA transfer because doing so would ensure a faster more reliable data transfer across the host and the ATA interface.

As per claims 2, 3, 9, 13, 14, 20, 23, 24, and 30, Smith/Masiewicz does not teach wherein the data event buffer is circular or linear, however, one of ordinary skill would readily recognize that a circular or a linear buffer is well known in the art, thereby making use of these types of well known buffers obvious to one of ordinary skill.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (571) 272-4157. The examiner can normally be reached between 6:30 - 4:00 from Monday to Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Popovici

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Dov can be reached on (571) 272-4083. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

Faxes for Official/formal (After Final) communications or for informal or draft communications (please label "PROPOSED" or "DRAFT") sent to:

(571) 273-8300

Hand-delivered responses should be brought to:

USTPO, Randolph Building, Customer Service Window

401 Dulany Street

Alexandria, VA 22314.

TAMMARA PEYTON
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Tammara Peyton', written in a cursive style.

Tammara Peyton

September 28, 2005